

Remarks

In the official action, the Examiner asserts that the title of the invention is not descriptive. With all due respect to the Examiner, the present title recites "Process for Controlling Devices of an Intranet Network Through the Web." Why is that title not descriptive? It is certainly similar to the introductory language of claim 1. The way the official action is written, one would think that the title said merely "Process." However, in this case, the title is quite descriptive. The Examiner is respectfully requested to reconsider this objection and withdraw it.

The Examiner also objects to the specification because it allegedly contains an embedded hyperlink and/or other form of browser-executable code. With all due respect to the Examiner, it is believed that the patent application as filed does not include any browser-executable code. While it is true that web pages are set forth in the application as filed, they are not set forth in a browser-executable fashion. That is to say, they do not include the necessary html instructions before and after the web addresses in order to make them "browser-executable." As such, it is submitted that the Examiner's objection is not meritorious. However, in a spirit of cooperation, the Applicant has amended the application to delete the references to "http" immediately preceding the web addresses. However, whether the http portion of the URL remains or is absent, the way the addresses occur in the application as filed are not "browser-executable." As such, the Examiner is respectfully requested to withdraw this objection.

The Examiner next objects to the abstract, asserting that it is objected to because it "merely recites claim 1." First, it is noted that the abstract does not "merely recite claim 1." It is different than claim 1. Note the sentence beginning with the word "preferably." The Examiner will not find that language in claim 1. Moreover, even if the abstract did "merely recite claim 1", that is not a proper basis for objecting to an abstract. It is asserted that the present abstract does provide a brief aspect of the technical disclosure of the present application. The Examiner is respectfully requested to withdraw this objection.

The Examiner rejected claims 3-8 under 35 U.S.C. 112, second paragraph, noting that the limitation "said set of instructions" in those claims did not have a proper antecedent basis. As the Examiner will note by reference to the claim amendments made above, the claims in question have been made dependent on or through claim 2 and claim 2 provides the proper antecedent basis needed. As such, with these amendments, it is believed that this grounds for rejection has been overcome.

The Examiner is thanked for indicating that claims 4-8 and 10 contain patentable subject matter. However, the Examiner rejected claims 1-3, 9 and 11-12 under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,490,617 to Hemphill et al. This grounds for rejection is respectfully traversed.

Claim 1 as originally filed specifically recites, inter alia, "deploying a set of Internet Control Agents in the devices contained within said Internet." It is submitted that Hemphill neither discloses nor suggests the step of "deploying a set of Internet Control Agents" as claimed by claim 1. The Examiner points to Figure 3, elements 304 and 308. The Applicant believes that the only features in Hemphill which might be identified with an ICA are the management agents called Hyper-Media Managed Objects (HMMOs) and ADAs (see below). These devices are used to convert management data for each device into a form that may be browsed using standard browser-like technology (see column 4, lines 26 to 40).

However, as is clear, each Hyper-Media Managed Device (HMMD) has its HMMO installed thereon prior to use/management on the network. See column 4, lines 26 to 27 where it is stated that "each HMMD includes one or more management agents (HMMO)" and column 4 line 39 where each HMMO is presumed to be installed or present on the HMMD. This configuration is similar to the background art described in the present specification at paragraph [0005] where specific agents are described for different devices.

Thus, there is no disclosure of the step of deploying a set of ICAs following the process of device discovery and device data extraction as set out in claim 1.

Further, the step which the examiner has allegedly identified as that of "extracting data corresponding to the devices and compiling a file which is transmitted to the webserver associated database" occurs in Hemphill on the assumption that the Active Discovery Agents (ADAs are equivalent in function to the HMMOs described above - see column 9, lines 19 to 54) are already present in the Managed Devices (MDs are equivalent to the HMMDs - see column 9, lines 19 to 54). It is the ADAs which Hemphill describes as gathering management information into a management package.

This is clearly distinguished from the method of claim 1 which requires that the extraction of this data **precedes** the deployment of the Internet Control Agents on the target devices. For example, in a preferred embodiment, this takes the form of an IP-based discovery technique using PING requests (see paragraph [0037]) to build the Intranet topology.

Thus, it is believed that Hemphill represents, at best, an example of the type of prior art discussed in the background to the present specification - i.e. that where the managed devices incorporate a preinstalled management agent or, in the legacy device embodiment of Hemphill, a device which is managed using standard SNMP systems.

There is nothing in Hemphill which discloses or even hints at the management method claimed in the present application. The presence of the ADA/HMMO components in the managed devices of Hemphill predicates against even considering any technique which involves the deployment any form of equivalent element on an existing Intranet. The invention as presently claimed by claim 1 is patentable over Hemphill.

Reconsideration of this application as amended is respectfully requested.

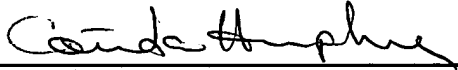
The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 08-2025. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 08-2025.

I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on December 1, 2004

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(Date of Deposit)

Corinda Humphrey

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(Name of Person Signing)

  
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(Signature)

December 1, 2004

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(Date)

Respectfully submitted,



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